

DURHAM, NORTH CAROLINA
MONDAY, JANUARY 3, 2000
7:30 P.M.

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Absent: None.

Also present: Assistant City Manager Greg Bethea, City Attorney Henry Blinder, Acting City Clerk D. Ann Gray and Administrative Assistant Linda Bratcher.

Mayor Tennyson called the meeting to order asking for priority items from the City Manager, City Attorney and City Clerk. **[No priority items]**

At this time, the following motion was made by Council Member Larson:

MOTION by Council Member Larson seconded by Council Member Jacobs to go into closed session after the regular business of council to discuss a council employee was approved at 7:32 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

The Mayor asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. **[No items were pulled from the Consent Agenda]**

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the Consent Agenda as printed was approved at 7:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: DURHAM AREA TRANSIT AUTHORITY - APPOINTMENTS

MOTION by Council Member Larson seconded by Council Member Jacobs to re-appoint Patrick Byker as a **Regular Member**, term to expire March 1, 2001, and to appoint Caulde M. Bagues and Joyce Young Evans as **Alternate Members**, terms to expire March 1, 2000, to the Durham Area Transit Authority Board was approved at 7:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes:

None. Absent: None.

SUBJECT: 2000-2005 CONSOLIDATED PLAN NEEDS PUBLIC HEARING

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a "Resolution to Set the 2000-2005 Consolidated Plan Needs Public Hearing" for Tuesday, January 18, 2000 was approved at 7:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: PRELIMINARY APPROVAL FOR RENTAL PROJECTS AT 60% AREA
MEDIAN INCOME - U2, LLC AND JOHN MCCORMICK**

MOTION by Council Member Larson seconded by Council Member Jacobs to approve preliminary allocations of 1996 Housing Bond Funds in an aggregate amount not to exceed \$898,000 to: U2, LLC (\$758,000) and John McCormick (\$140,000), subject to negotiation of financing terms for the projects and development of loan documentation for City Council consideration at a later date was approved at 7:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: SECOND YEAR FUNDING - COOPERATIVE AGREEMENT U. S. JUSTICE
DEPARTMENT WEED AND SEED GRANT APPROVAL - NORTHEAST
CENTRAL DURHAM WEED AND SEED INITIATIVE**

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a Cooperative Agreement between the U.S. Justice Department, Office of Justice Programs, in the amount of \$175,000 for the North East Central Durham (NECD) Weed and Seed Initiative, FY 1999-2000; and

To adopt a "Grant Project Ordinance Amending Ordinance #11550 1998-1999 U.S. Department of Justice, Office of Justice Programs Grant for NECD Weed and Seed Initiative"; and

To adopt a "Grant Project Ordinance 1999-2000 U.S. Department of Justice, Office of Programs Grant for NECD Weed and Seed Initiative" was approved at 7:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: PROPOSED SALE OF CLOSED PORTION OF SPRINGDALE STREET TO
THE TRUSTEES OF WHITE ROCK BAPTIST CHURCH**

MOTION by Council Member Larson seconded by Council Member Jacobs to declare the City-owned closed portion of Springdale Street surplus; and

To accept the offer of \$950 from the Trustees of White Rock Baptist Church to purchase the closed portion of Springdale Street to which title is held by the City; and

To authorize the City Manager to execute the sales contract for the City-owned closed portion of Springdale Street under the authority of Sections 86 and 86.1 of the City Charter and to authorize the conveyance of the property by a non-warranty deed was approved at 7:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: COUNTYWIDE DIGITAL ORTHOPHOTOGRAPHY DEVELOPMENT PROJECT
CONTRACT AMENDMENT #1 - GEONEX CORPORATION**

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute Amendment #1 to the contract with Geonex Corporation for additional digital mapping services, and to make changes to the contract amendment such that the contractor's obligations are not lessened and the cost to the City is not increased; and

To adopt a "Resolution Amending Resolution 8573 Establishing FY 1999-00 Financial Plans for Internal Service Funds" was approved at 7:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: EXTENSION OF WEST CHAPEL HILL STREET FACADE IMPROVEMENT
CONTRACT (CDBG) - DURHAM COMMUNITY LAND TRUSTEES**

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute an Amendment to extend the Community Development Block Grant (CDBG) contract with Durham Community Land Trustees (CT #990105) for the West Chapel Hill Street Facade Improvement Program, providing for a new termination date of March 31, 2000; and

To authorize the City Manager to allocate to other CDBG projects any funds not expended on this contract by the new termination date was approved at 7:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: CITIZEN PARTICIPATION IN BUDGET-RELATED ACTIVITIES

MOTION by Council Member Larson seconded by Council Member Jacobs to set a public hearing on Tuesday, January 18, 2000 to receive citizens' comments concerning the FY 2000-2001 Budget and FY 2001-2002 Resource Allocation Plan; and

To establish dates and times to meet with interested citizens through "Coffee with Council" as follows was approved at 7:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Wednesday, February 9 - 6:00 p.m. - 8:00 p.m.

Wednesday, February 16 - 6:00 p.m. - 8:00 p.m.

Tuesday, February 22 - 6:00 p.m. - 8:00 p.m.

Wednesday, February 23 - 6:00 p.m. - 8:00 p.m.

SUBJECT: BIDS - ONE (1) THERMOPLASTIC LONGLINE APPLICATION TRUCK - LINEAR DYNAMICS, INC.

MOTION by Council Member Larson seconded by Council Member Jacobs to accept the bid from Linear Dynamics, Inc. in the amount of \$245,800.00 for providing the City with a thermoplastic longline application truck; and

To authorize the City Manager to enter into a contract with Linear Dynamics, Inc. in the amount of \$245,800.00 for providing the City with a thermoplastic longline application truck; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: BIDS - VEHICLES - RICK HENDRICK CHEVROLET

MOTION by Council Member Larson seconded by Council Member Jacobs to accept the bid from Rick Hendrick Chevrolet in the amount of \$255,444.29 for providing the City with vehicles [Item No. 7 - three (3) mini passenger vans, Item No. 9 - one (1) fifteen (15) passenger van, Item No. 10 - eight (8) compact pickup trucks, Item No. 17 - one (1) 10,000 GVWR crew cab platform dump truck and Item No. 18 - two (2) 10,000 GVWR 4x4 crewcab platform dump trucks]; and

To authorize the City Manager to enter into a contract with Rick Hendrick Chevrolet in the amount of \$255,444.29 for providing the City with vehicles [Item No. 7 - three (3) mini passenger vans, Item No. 9 - one (1) fifteen (15) passenger van, Item No. 10 - eight (8) compact pickup trucks, Item No. 17 - one (1) 10,000 GVWR crew cab platform dump truck and Item No. 18 - two (2) 10,000 GVWR 4x4 crewcab platform dump trucks]; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: BIDS - VEHICLES - BOBBY MURRAY CHEVROLET

MOTION by Council Member Larson seconded by Council Member Jacobs to accept the bid from Bobby Murray Chevrolet in the amount of \$607,034.64 for providing the City with vehicles [Item No. 1 - seven (7) compact vehicles, Item No. 2 - thirteen (13) mid-sized vehicles, Item No. 8 - one (1) cargo van, Item No. 11 - eight (8) 8,600 GVWR pickup trucks, Item No. 12 - one (1) 8,600 GVWR service truck, Item No. 14 - five (5) 8,600 GVWR 4x4 pickup trucks, Item No. 15 - one (1) 10,000 GVWR crewcab pickup truck, and Item No. 16 - one (1) 10,000 GVWR crewcab platform truck; and

To authorize the City Manager to enter into a contract with Bobby Murray Chevrolet in the amount of \$607,034.64 for providing the City with vehicles [Item No. 1 - seven (7) compact vehicles, Item No. 2 - thirteen (13) mid-sized vehicles, Item No. 8 - one (1) cargo van, Item No. 11 - eight (8) 8,600 GVWR pickup trucks, Item No. 12 - one (1) 8,600 GVWR service truck, Item No. 14 - five (5) 8,600 GVWR 4x4 pickup trucks, Item No. 15 - one (1) 10,000 GVWR crewcab pickup truck, and Item No. 16 one (1) 10,000 GVWR crewcab platform truck]; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: BIDS - VEHICLES - UNIVERSITY FORD

MOTION by Council Member Larson seconded by Council Member Jacobs

to accept the bid from University Ford in the amount of \$1,422,849.40 for providing the City with vehicles [Item No. 3 - fourteen (14) mid-sized station wagons, Item No. 4 - forty-five (45) police patrol vehicles, Item No. 5 - one (1) police pursuit vehicle, Item No. 6 - eight (8) police administrative vehicles and Item No. 13 - one (1) extended cab service truck]; and

To authorize the City Manager to enter into a contract with University Ford in the amount of \$1,422,849.40 for providing the City with vehicles [Item No. 3 - fourteen (14) mid-sized station wagons, Item No. 4 - forty-five (45) police patrol vehicles, Item No. 5 - one (1) police pursuit vehicle, Item No. 6 - eight (8) police administrative vehicles and Item No. 13 - one (1) extended cab service truck]; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract; and

To waive the requirement for a Performance Bond for each of the aforementioned bidders was approved at 7:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: STREET ACCEPTANCE - WHITEHALL SUBDIVISION AND WYNDROSS

MOTION by Council Member Larson seconded by Council Member Jacobs to accept certain streets, listed below, for maintenance by the City of Durham was approved at 7:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

WHITEHALL SUBDIVISION

1. West Wyndham Lane - from the west ditch-line of Cole Mill Road west thru the cul-de-sac (1,672')
2. Yorkshire Drive - from the centerline of West Wyndham Lane north to the end of construction at STA 1+50 (150')
3. Bramerton Court - from the centerline of West Wyndham Lane southeast thru the cul-de-sac (301')

WYNDROSS

1. Winding Arch Drive - from the end of Phase 1 @ STA 4+75 north to the centerline of Wellingham Road Extension (803')

2. Draebury Lane - from the centerline of Winding Arch Drive northwestward thru the cul-de-sac (430')
3. Loganbury Lane - from the centerline of Winding Arch Drive northwestward thru the cul-de-sac (423')
4. Wellingham Drive Extension - from STA 0+00 west past Winding Arch Drive thru the cul-de-sac (217')

SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the official minutes of the following City Council Meetings was approved at 7:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

September 20, 1999 - Regular Meeting
October 18, 1999 - Regular Meeting
November 1, 1999 - Regular Meeting
November 15, 1999 - Regular Meeting
November 24, 1999 - Special Meeting
November 29, 1999 - Special Meeting

[GENERAL BUSINESS AGENDA]

[PUBLIC HEARINGS]

SUBJECT: ZONING MATTER CASE P98-35, YHG II, LLC, SOUTHEAST CORNER OF THE INTERSECTION OF NC 54 AND NC 751

Case: P98-35 (Note: The applicant will be requesting a deferral of this case)

Applicant: YHG II, LLC

Location: 17.239 acre site located on the southeast corner of the intersection of NC 54 and NC 751, identified as Tax Map 427, Block 2, Parcels 2, 3, 4, 4A, 10, 12, 13, 14, and 17 through 20

Request: Rezoning from R-20 (Residential 20 District), NC (Neighborhood Commercial District) and NC(D) (Neighborhood Commercial District with Development Plan); F/J-B (Falls/Jordan Protected Area) to SC(D) (Shopping Center District with a Development Plan); F/J-B

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20, NC and NC(D); F/J-B and placing same in and establishing same as SC(D); F/J-B.

Zoning Committee's Recommendation and Vote: Approval (6-1)

City/County Planning Department's Recommendation: Denial unless the applicant agrees to modify the development plan. If the applicant does modify development plan, then staff would recommend approval.

City Attorney Blinder informed the Council once the public hearing on a zoning matter is opened and then continued to a later meeting date it would preclude the possibility for a protest petition being filed in the future.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to continue this rezoning matter to the February 7, 2000 City Council Meeting without further advertising was approved at 7:34 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

[OTHER MATTERS]

SUBJECT: HVAC, ELECTRICAL AND PLUMBING CONTRACTS FOR THE SOLID WASTE ADMINISTRATION FACILITY - COMFORT ENGINEERS, NORINA ELECTRICAL AND MECHANICAL COMPANY AND ACORN INDUSTRIAL, INC.

To authorize the City Manager to enter into a contract with the following:

- a. Comfort Engineers, Inc. in the amount of \$589,720
- b. Norina Electrical and Mechanical Company in the amount of \$286,500
- c. Acorn Industrial, Inc. in the amount of \$156,600; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the existing version of the contract.

Assistant City Manager Greg Bethea recommended that the electrical contract [Norina Electrical & Mechanical Company] be referred to the Public Works Committee.

Mayor Tennyson stated the manager's recommendation is to approve the contracts with Comfort Engineers and Acorn Industrial and refer the Norina Electrical & Mechanical Company contract to the Public Works Committee.

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a contract with the following:

- a. Comfort Engineers, Inc. in the amount of \$589,720
- b. Acorn Industrial, Inc. in the amount of \$156,600; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the existing version of the contract; **and to refer the Norina Electrical & Mechanical Company contract to the Public Works Committee** was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT - BORDEN DEVELOPMENT CORPORATION LOCATED BETWEEN HIGHWAY 70 AND ANGIER AVENUE

MOTION by Mayor Pro Tempore Clement seconded by Council Member Jacobs to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Borden Development Corporation to extend City water and sewer to serve an existing industrial tract, approximately 100 acres, located between Highway 70 and Angier Avenue was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: CORRECTION OF FUND APPROPRIATIONS FOR CONTRACT WS-74, J. F. WILKERSON CONTRACTING COMPANY

MOTION by Council Member Larson seconded by Council Member Blyth to correct action taken by City Council on June 7, 1999 authorizing the expenditure of \$915,000 from the Sewer Extensions and Improvements Account and \$240,000 from the Water Extensions and Improvements Account as follows [amounts transposed]; and

To authorize the expenditure of \$915,000 from the Water Extensions and Improvements Account and \$240,000 from the Sewer Extensions and Improvements Account; and

To adopt a "Capital Project Ordinance Superseding Ordinance #11747 Concerning Water Lines Extensions and Improvements -FY 2000"; and

To adopt a "Capital Project Ordinance Superseding Ordinance #11857 Concerning Sewer Lines Extensions and Improvements -FY 2000" was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT ON JAMES STREET

Eric Johnson, President of Tusualoosa-Lakewood Neighborhood Association, spoke in support of the twenty-five mile per hour

speed limit on James Street.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Larson to adopt an ordinance to repeal Ordinance #8048, adopted May 7, 1990, which established a 27 mph speed limit on James Street in the area from Chapel Hill Boulevard to Lakewood Avenue; and

To adopt an ordinance to establish a 25 mph speed limit on James Street beginning at the north curb line of Chapel Hill Boulevard, if extended, and extending northward to Lakewood Avenue was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

There being no further business to come before the Council, the Mayor adjourned the meeting into closed session.

[OPEN SESSION - 7:40 P.M.]

SUBJECT: COMPENSATION - ACTING CITY CLERK

MOTION by Council Member Larson seconded by Council Member Blyth to add to the agenda Compensation for Acting City Clerk D. Ann Gray was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

MOTION by Council Member Larson seconded by Council Jacobs to increase the compensation of the Acting City Clerk by ten percent effective January 3, 2000 was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

There being no further business to come before the Council, the Mayor adjourned the meeting at 7:41 p.m.

D. Ann Gray, CMC
Acting City Clerk

